

YOUTH SERVICES POLICY

Title: Return to Work Next Annual Review Date: 01/13/2016	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.28
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References: La. R.S. 39:1547; YS Policy Nos. A.1.19 "Ebola Virus Disease", A.2.1 "Employee Manual"; A.2.5 "Family and Medical Leave of Absence", A.2.13 "Americans with Disabilities Act - (Employees, Applicants, Candidates, Visitors)", A.2.47 "Equal Employment Opportunity"; and A.2.49 "Workers Compensation"; Division of Administration Office of Risk Management's INSURANCE INFORMATION NOTICE 2015-1 "Transitional Duty Return to Work Plan"	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 01/13/2015

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish policy relative to an employee's return to work following an injury or illness.

III. APPLICABILITY:

All YS employees.

It is the Unit Head's responsibility to ensure that necessary procedures are in place for the proper management and administration of this policy. The YS Central Office Administrative Program Director shall serve as the Americans with Disabilities Act (ADA) Coordinator for Youth Services. (Refer to YS Policy No. A.2.13)

IV. DEFINITIONS:

Essential Functions Form (EFF) - A form generated by YS' HR Liaisons that lists the fundamental job duties of a position. Before an applicant can be hired and before an employee can return to work after an illness or injury, they must have the EFF filled out completely and signed by their physician. Each time an employee is required to provide a medical certification form by this policy or by YS Policy No. A.2.5, a current EFF must be provided.

Office of Risk Management's (ORM's) Third Party Administrator (TPA) – FARA

Medical Certification Form - A standard form to be filled out by an employee's treating physician [see Attachment A.2.28 (a)].

Return to Work (RTW) Board - A board made up of at least three (3) members assigned to review RTW cases. Typically, the RTW Board shall consist of the unit's Safety Officer, the returning employee's immediate supervisor or a supervisor in the returning employee's chain of command, and the unit's HR Liaison.

Transitional Duty - A work assignment that is not necessarily the same position or assignment that an employee had before the employee went out on sick leave for an illness or injury. A transitional duty assignment shall not displace others from their jobs. A transitional duty assignment may last for a period of up to one (1) year. If the employee is not fully recovered after this time, the employee shall return to Workers' Compensation or sick leave status and no longer be eligible for transitional duty.

Unit Head - Deputy Secretary, Facility Directors and Regional Managers.

YS Central Office - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, General Counsel, Regional Directors, and their support staff.

V. POLICY:

It is the Deputy Secretary's policy to accommodate employees who sustain injuries or illnesses, and who are temporarily unable to perform the duties of their assignment, but who can, with medical clearance, return to work to perform most of the duties of their assignment or the duties of another assignment. These employees will be accommodated by temporary placement in a transitional duty assignment whenever possible. Such temporary transitional duty assignments shall be meaningful and productive within the safe parameters of the injured employee's capabilities, and not displace other employees from their job duties. This applies only to a temporary inability to perform all essential functions of the position, and not to a permanent inability to perform such functions.

YS transitional return-to-work plan shall be based on medical prognosis and recovery, and shall be compatible with the agency's business necessity.

VI. PROCEDURES:

- A. An employee who is absent from work for thirty (30) days or more due to injury or illness may be required to provide an up-to-date "Essential Functions Form" (EFF) and "Medical Certification Form" [see Attachment A.2.28 (a)] when they believe that they are ready to return to work. Re-certification may be required periodically thereafter as determined by the Unit Head on a case-by-case basis.

- B. The employee must contact the Human Resources (HR) Liaison at the unit level, or immediate supervisor at Central Office, and advise that they are ready to return to work.
- C. The unit's HR Liaison shall send the employee the "EFF" and "Medical Certification Form". Failure to return the forms is a failure to follow a direct written order and may result in disciplinary action, pursuant to YS Policy No. A.2.1 (b).
- D. When the forms are returned to the unit's HR Liaison, the HR Liaison shall schedule a "Return to Work (RTW) Board" hearing without delay. The RTW Board hearing shall be assembled, depending upon which potential members can be most readily available, in consultation with the Unit Head as needed. When the makeup of the Board is determined, the unit's HR Liaison shall forward copies of the employee's forms to the Board members.
- E. The RTW Board typically will consist of the unit's Safety Officer, the returning employee's immediate supervisor or a supervisor in the returning employee's chain of command, and the unit's HR Liaison. If these named staff persons are unable to attend, a reasonable substitute may be made by the Unit Head. Acceptable persons would be staff from any YS unit serving in the same or like capacities as the person they are substituting. (Examples are as follows: Safety Officer or Risk Management personnel; a direct care supervisor; and the HR Liaison or higher from any unit.) In some cases, a representative from YS Legal Services may attend.

Security or professional staff may also attend the hearing at the request of the Unit Head, or if they have authorization from the Unit Head.

In order for a person to be returned to work, there must be unanimous concurrence by the three RTW Board Members. If there is no unanimous decision, the hearing shall be recessed for a meeting of the RTW Board and the Unit Head as soon as possible. After such meeting, the Unit Head shall decide whether the employee may return to work or not, and under what conditions or restrictions. The actions of the body/bodies handling the employee's return to work hearing shall be preserved in writing by the unit's HR Liaison. A copy of the actions in writing shall be furnished to the employee. A copy shall also be placed in the employee's official personnel record.

- F. If the employee's physician certifies that the employee is able to return at the employee's full capacity, the employee may be returned to the position held before the employee was out on leave due to illness or injury. If the employee's physician certifies the employee's current condition prevents the employee from returning to the regular full duty position, the employee may be eligible to be placed in a transitional duty assignment.

- G. A transitional duty assignment may last for a period of up to one (1) year. If the employee is not fully recovered after this time, the employee shall return to Workers' Compensation or sick leave status, and shall no longer be eligible for transitional duty.
- H. Although every effort shall be made to return an employee to duty as early as medically possible, YS does not guarantee alternative placement or the availability of a modified duty assignment.
- I. Employees who refuse to cooperate with YS and the Office of Risk Management (ORM) may lose benefits.

VII. STAFF DEVELOPMENT:

This policy shall be reviewed with all new hires during orientation and with existing employees annually.

Previous Regulation/Policy Number: A.2.28

Previous Effective Date: 10/07/2013

Attachments/References:

Form 3-11.docx



A.2.28 (a) Medical Certification